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PTO/SB/21 (09-04)

Approved for use through 07/31/2006. OMB 0651-0031

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## TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

		Application Number	10/772,767
		Filing Date	February 4, 2004
		First Named Inventor	Michael J. DeLuca
		Art Unit	2612
		Examiner Name	
Total Number of Pages in This Submission	9	Attorney Docket Number	2100874-991140

ENCLOSURES (Check all that apply)			
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Return-Receipt Postcard; copies of 15 references	
<input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation <input type="checkbox"/> Change of Correspondence Address		
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Terminal Disclaimer		
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Request for Refund		
<input checked="" type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD		
<input type="checkbox"/> Certified Copy of Priority Document(s)	<b>Remarks</b> The Commissioner is authorized to charge any deficiencies in fees and credit any overpayment of fees to Deposit Account No. 07-1896. A duplicate page is enclosed.		
<input type="checkbox"/> Reply to Missing Parts/ Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	Customer No. 29585		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT	
Firm Name	DLA Piper Rudnick Gray Cary US LLP, 153 Townsend Street, Suite 800, San Francisco, CA 94107-1907
Signature	
Printed name	Andrew V. Smith, Telephone: 415-836-2522, Facsimile: 415-836-2501
Date	1-7-5
	Reg. No. 43,132

## CERTIFICATE OF TRANSMISSION/MAILING

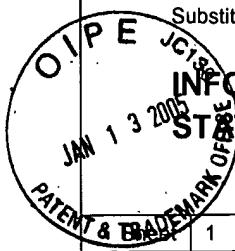
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Typed or printed name	Gerry Ubau
Date	Jan. 7, 2005

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Substitute for form 1449A/PTO

**INFORMATION DISCLOSURE  
STATEMENT BY APPLICANT**

(Use as many sheets as necessary)

1

of

2

**Complete if Known**

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Art Unit	2612
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Attorney Docket Number	2100874-991140

Commissioner for Patents

P. O. Box 1450

Alexandria, VA 22313-1450

Dear Sir:

In accordance with the provisions of 37 C.F.R. § 1.56(a) and 37 C.F.R. § 1.97, Applicant(s) hereby make of record the references listed on the accompanying Form SB/08a and/or SB/08b for consideration by the Examiner in connection with the examination of the above-identified patent application.

This Information Disclosure Statement:

- (a)  accompanies a new patent application submitted herewith.
- (b)  is filed within three (3) months of the Filing Date or before the mailing date of a First Office Action on the merits; OR
- (c)  is filed after the first Office Action and more than three months after the application's filing date or PCT national stage date of entry filing but, as far as is known to the undersigned prior to the mailing date of either a final rejection or a notice of allowance, and is accompanied by either the fee (\$180) set forth in 37 CFR § 1.17(p) or a certification as specified in 37 CFR § 1.97(e), as checked below OR
- (d)  is filed after the mailing date of either a final rejection or a notice of allowance, and the issue fee has not been paid, and is accompanied by the requisite petition fee (\$130) set forth in 37 CFR § 1.17(l)(1) and a certification as specified in 37 CFR § 1.97(e), as checked below.  
This document is to be considered as a petition requesting consideration of the information disclosure statement.

As required under § 1.97(e), Applicants, through the undersigned, hereby state either that [check the appropriate space]:

- (e)  Each item of information contained in the Information Disclosure Statement was first cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing date of the Information Disclosure Statement; or
- (f)  No item of information contained in the Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing this Statement after making reasonable inquiry, no item of information contained in the Information Disclosure Statement was known to any individual designated in § 1.56(c) more than three months prior to the filing of the Information Disclosure Statement.

It is respectfully requested that each of the references shown on the attached PTO/SB/08a and/or PTO/SB/08b be made of record in this application. A copy of each of the references are enclosed.

Pursuant to notice entitled "Information Disclosure Statements May Be Filed Without Copies Of U.S. Patents and Published Applications in Patent Applications filed after June 30, 2003," Off. Gaz. Pat. Office 55 (August 5, 2003), no copies of U.S. Patents and U.S. Published Patent Applications are being supplied with this Information Disclosure Statement.

Please note that an English language abstract is included for the following foreign patent documents:  
JP 4-192681, JP2000-134486, and JP2002-271808.

Substitute for form 1449A/PTO				<b>Complete if Known</b>	
<b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b>				Application Number	10/772,767
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				First Named Inventor	Michael J. DeLuca
				Art Unit	2612
				Examiner Name	
Sheet	2	of	2	Attorney Docket Number	2100874-991140

Each item of information listed in the attached FORM PTO/SB/08a, and/or FORM PTO/SB/08b may be material to the examination of the above-identified application and is, therefore, submitted in compliance with the duty of disclosure defined in 37 CFR 1.56, 1.97 and 1.98. The Examiner is requested to make these items of official record in this application.

This Information Disclosure Statement under 37 CFR 1.56, 1.97 and 1.98 is not to be construed as a representation that a search has been made, that additional information material to the examination of this application does not exist, or that any one or more of these items constitutes prior art.

If this statement crosses in the mail with an office action, or is otherwise not in the indicated category of 37 C.F.R. 1.97, it is respectfully requested that this statement be treated in the next appropriate category and made of record. To the extent required, please treat this submission as a conditional petition for acceptance of the information disclosure statement.

The Commissioner is authorized to charge any deficiencies and credit any overpayment of fees to our Deposit Account No. 07-1896

Respectfully submitted,

Date: 1-7-5

DLA Piper Rudnick Gray Cary US LLP

By: Andrew V. Smith

Reg. No. 43,132

Attorneys for Applicant(s)

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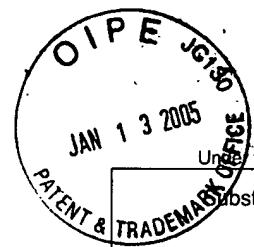
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January 7, 2005  
Date

Gerry Ubau



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Sheet	1
of	5
Attorney Docket Number	2100874-991140

### U. S. PATENT DOCUMENTS

Examiner Initials*	Cite No. <sup>1</sup>	Document Number Number-Kind Code <sup>2 (if known)</sup>	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		US-4,285,588	08-25-1981	Mir	
		US-5,016,107	05-14-1991	Sasson et al.	
		US-5,070,355	12-03-1991	Inoue et al.	
		US-5,130,789	07-14-1992	Dobbs et al.	
		US-5,202,720	04-13-1993	Fujino et al.	
		US-5,432,863	07-11-1995	Benati et al.	
		US-5,452,048	09-19-1995	Edgar	
		US-5,537,516	07-16-1996	Sherman et al.	
		US-5,748,764	05-05-1998	Benati et al.	
		US-5,761,550	06-02-1998	Kancigor	
		US-5,781,650	07-17-1998	Lobo et al.	
		US-5,805,745	09-08-1998	Graf	
		US-5,862,217	01-19-1999	Steinberg et al.	
		US-5,862,218	01-19-1999	Steinberg	
		US-5,990,973	11-23-1999	Sakamoto	
		US-5,991,549	11-23-1999	Tsuchida	
		US-5,991,594	11-23-1999	Froeber et al.	

### FOREIGN PATENT DOCUMENTS

Examiner Initials*	Cite No. <sup>1</sup>	Foreign Patent Number Country Code <sup>3</sup> -Number <sup>4</sup> -Kind Code <sup>5</sup> (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T <sup>6</sup>
		JP 4-192681	07-10-1992	Tatsutoshi		
		EP 0 884 694 A1	12-16-1998	Gupta		
		WO 99/17254	04-18-1999	Boucher		
		EP 0 911 759 A2	04-28-1999	Lin		
		JP2000-134486	05-12-2000	Hitoshi		
		WO 01/71421 A1	09-27-2001	Mariani		
		EP 1 199 672 A2	04-24-2002	Eschbach		
		JP2002-271808	09-20-2002	Hiroki		

Examiner Signature	Date Considered
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				Application Number	10/772,767
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				Art Unit	2612
				Examiner Name	
Sheet	2	of	5	Attorney Docket Number	2100874-991140

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Examiner Initials*	Cite No. <sup>1</sup>	Document Number Number-Kind Code <sup>2 (if known)</sup>	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		US-6,006,039	12-21-1999	Steinberg et al.	
		US-6,009,209	12-28-1999	Acker et al.	
		US-6,016,354	01-18-2000	Lin et al.	
		US-6,134,339	10-17-2000	Luo	
		US-6,151,403	11-21-2000	Luo	
		US-6,204,858 B1	03-20-2001	Gupta	
		US-6,252,976 B1	06-26-2001	Schildkraut et al.	
		US-6,275,614 B1	08-14-2001	Krishnamurthy et al.	
		US-6,278,491 B1	08-21-2001	Wang et al.	
		US-6,292,574 B1	09-18-2001	Schildkraut et al.	
		US-6,407,777 B1	06-18-2002	DeLuca	
		US-6,429,924 B1	08-06-2002	Milch	
		US-6,433,818 B1	08-13-2002	Steinberg et al.	
		US-6,496,655 B1	12-17-2002	Malloy Desormeaux	
		US-6,501,911 B1	12-31-2002	Malloy Desormeaux	
		US-6,505,003 B1	01-07-2003	Malloy Desormeaux	
		US-6,510,520 B1	01-21-2003	Steinberg	

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		WO 03/026278 A1	03-27-2003	Jarman		
		EP 1 288 858 A1	03-05-2003	Oberhardt		
		EP 1 288 859 A1	03-05-2003	Oberhardt		
		EP 1 288 860 A1	03-05-2003	Meckes		
		EP 1 293 933 A1	03-19-2003	Fürsich		

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		US-6,516,154 B1	02-04-2003	Parulski et al.	
		US-2002/0041329 A1	04-11-2002	Steinberg	
		US-2002/0131770 A1	09-19-2002	Meier et al.	
		US-2002/0136450 A1	09-26-2002	Chen et al.	
		US-2002/0141661 A1	10-03-2002	Steinberg	
		US-2002/0150306 A1	10-17-2002	Baron	
		US-2002/0159630 A1	10-31-2002	Buzuloiu et al.	
		US-2002/0172419 A1	11-21-2002	Lin et al.	
		US-2002/0176623 A1	11-28-2002	Steinberg	
		US-2003/0007687 A1	01-09-2003	Nesterov et al.	
		US-2003/0021478 A1	01-30-2003	Yoshida	
		US-2003/0025811 A1	02-06-2003	Keelan et al.	
		US-2003/0044063 A1	03-06-2003	Meckes et al.	
		US-2003/0044070 A1	03-06-2003	Fuersich et al.	
		US-2003/0044177 A1	03-06-2003	Oberhardt et al.	
		US-2003/0044178 A1	03-06-2003	Oberhardt et al.	
		US-2003/0058349 A1	03-27-2003	Takemoto	

## **FOREIGN PATENT DOCUMENTS**

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## **NON PATENT LITERATURE DOCUMENTS**

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